

*Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 25504*

In the matter of:	WC Docket No. 08-45
APPLICATION OF COMCAST PHONE	Comp. Pol. File No. 857
OF MASSACHUSETTS, INC.,	
COMCAST PHONE OF NEW	FILED VIA ECFS
HAMPSHIRE, LLC, COMCAST PHONE	
OF OHIO, LLC, AND COMCAST	
PHONE OF PENNSYLVANIA, LLC TO	
DISCONTINUE DOMESTIC	
TELECOMMUNICATIONS SERVICES	

INFORMAL COMMENTS AND MOTION TO DENY APPLICATION

Introduction

My name is Rick Miller, and I am a subscriber of various Comcast services, including high speed "broadband" internet, digital cable, and Comcast Digital Phone. My address is 110 Grant Road, Newmarket NH 03857. Comcast has proposed to discontinue the Digital Phone service in my state as well as several others, and replace it with the Comcast Digital Voice service, a service that is not only more expensive but is also less reliable than the Digital Phone service. This move would also effectively eliminate telephone competition in my area due to the loss of the only true alternate telephone provider that does not use or rely on Verizon (Fairpoint) telephone lines.

CDV is not reliable

The Comcast Digital Phone system, as well as the new proposed Digital Voice system are delivered via standard coaxial cable to a converter box which converts the "digital" phone signal into a format that can be used by a standard telephone. This, however, is where the similarities between the two systems end.

The Comcast Digital Phone system was designed and sold as a "traditional" phone service, similar to that of Verizon, Qwest, or Bell South. Like other "traditional" telephone service, it is held to a very high level of reliability, commonly called "five nines"¹. This means that when a customer goes off-hook, 99.999% of the time, the customer will be able to place a call. To achieve this level of uptime, in a 365 day year, the service can be unavailable for no more than 5 minutes total, regardless of situations such as commercial power failure, hardware problems, or other external issues. In fact, the Digital Phone system does maintain this level of reliability; in the over 5 years I've been a customer, I've only been unable to make a phone call once.

The new Digital Voice system is a VOIP service. Since it is a VOIP service, it is not bound by the same level of reliability. In fact, VOIP is carried over the Internet, using standard IP based networking². Since it is carried over their TCP/IP network (Comcast would like you to believe it is a "private" network, however, it is still carried over the same system and equipment that carries the high-speed internet), it is subject to the same issues that can affect high speed internet. In fact, one my colleagues was without service for no less than four days due to problems with the CDV system.³ This situation is not unique, there are many complaint web sites listing CDV related problems, ranging from installation issues, to random dropped calls, and multi-day service outages.⁴ Since the CDV service and high speed internet use the same modem, a single hardware failure can disable both the internet and voice service.

In the current network configuration, an outage that affects the Comcast TCP/IP based High Speed internet, may not affect the Comcast Digital Phone, since it is using a different protocol, as well as separate equipment for telephone and internet. There have, in fact, been several instances in which my internet connection was "down" due to problems in Comcast's network, but I was able to make calls using Digital phone. Had I been using the Digital Voice service, I would have been unable to make any calls, including calls to 911, since wireless phones do not work at my location.

CDV has fewer consumer protection regulations

Since Comcast Digital Voice is a "Voice Over IP" service rather than a traditional telephone service, it is exempt from many

1 See "Plain old Telephone Service" Wikipedia entry http://en.wikipedia.org/wiki/Plain_old_telephone_service

2 See "SIP protocol RFC 3261" <http://www.ietf.org/rfc/rfc3261.txt>

3 See Attachment A: "Statement by H. Lacostic"

4 Just one example: <http://www.dissociatedpress.net/2006/09/07/comcast-digital-voice/>

FCC rules regarding reliability, rate setting, and service standards. For example, if Verizon decided they needed to increase rates, they are required to go through a specific process of approvals, and modifications to their tariff. A VOIP provider, such as Comcast Digital Voice, can simply notify its customers that "your next bill will be increase \$10" and there are no recourses for the customer, other than to find a different provider. Another example of the lack of protective regulation regarding VOIP providers is this very proposal and my response. In order for Comcast to discontinue their telephone service, there is a specific proposal and comment period that must be followed. A VOIP provider, however, can simply cease operations and disappear, leaving customers with no recourse for substitute service. Indeed, there are countless VOIP providers that have gone out of business, and left customers without service and no warning trying to find a new provider¹.

In my case, there are no other "true" alternate telephone providers. The primary reason I have selected Comcast Digital Phone is to have an alternate, reliable telephone service that is separate from traditional "landline" phone service. The other providers that serve my location are either going to be CLECs that resell Fairpoint service, or VOIP providers that are carried over the internet. Such services rely either on the copper lines and dialtone provided by Fairpoint, or the Internet connection provided by Comcast, and as such, are not "true" alternative telephone services. Again, wireless telephones also do not work well in my area, due to the geography between market areas. (Newmarket is located at the extreme northern side of Rockingham County, which is the edge of the greater Boston market area. Durham, the next town north is located in Strafford County which is in a different market area. In order to avoid interference, there is a large dead zone in most of Newmarket and Durham.)

CDV "locks out" the competition

Since the Digital Voice service is a VOIP service, there is no guarantee that other VOIP providers (such as Vonage, Packet8, Via Talk, or AT&T CallVantage etc.) will work reliably in the future. It is possible to use the "quality of service" flags when passing VOIP traffic to request a higher priority when the VOIP data passes through the routers around the Internet, however, Comcast does not properly honor QOS information supplied by competing VOIP services. Comcast has also demonstrated with the recent controversy surrounding their BitTorrent filtering and packet forgery that they are willing

¹ See "VOIP Graveyard"

http://www.myvoipprovider.com/Directory/VoIP_Provider_Directory/VoIP_Providers/VoIP_Graveyard/

to not only not provide proper QOS handling for competing services, but that they are willing to actively interfere with and prevent customers from using services (such as competing VOIP providers) that they do not "like".¹

Of course, the Comcast Digital Voice service tends to work more reliably than competitors' services. Since Comcast owns the network, it is natural that they would give preferential treatment to their VOIP service, and ensure that the VOIP service offered by any competitor seems to have "random" issues. One Internet posting said it best: "And a little intentional 'oopsie' goes a long way toward discrediting VoIP..."²

CDV is more expensive than traditional phone services

The current advertised promotional price for CDV is \$29.99 per month, for the first 6 months, then \$39.95 after. This is much higher than the tariffed rate for Verizon lines, which range from \$11.09 to \$15.67, depending on what town the subscriber is located in. Customers that subscribe to CDV also have various features included "at no extra charge" such as Caller ID, Call Waiting, unlimited long distance, etc, and there is no option to decline these services and reduce the subscription cost. The Comcast Digital Phone allows users to pick and choose just the services they want, thus the total cost of phone service is lowered by removing the hidden costs of the "free" features. In essence, moving from the Comcast Digital Phone to the new Digital Voice service would require me to pay additional money for services I do not need.

Motion to deny

In short, I believe that Comcast is proposing to eliminate a well-tested and reliable communication service with one that is more expensive, less reliable, and not covered by as many consumer protective rules. Since many people rely on their telephone to be available in cases of emergency (especially in New Hampshire, where large parts of the state are simply not well covered by wireless phones), Comcast should be required to maintain the availability of the tested and reliable Digital Phone system. Comcast should also not be permitted to reduce customer choice by requiring the purchase of voice telephone services bundled with "free" features and hidden costs. Therefore, I am request that this application be DENIED WITH PREJUDICE.

*Rick Miller
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1 "Comcast Is Blocking More than BitTorrent, Including Lotus Notes" <http://www.freepress.net/news/27278>

2 <http://blogs.zdnet.com/ip-telephony/index.php?p=938>

ATTACHMENT A

STATEMENT BY H. LACOSTIC

from Henry Lacostic <mydisabilitytalk@hotmail.com>
to Rick Miller <rickthegeek@gmail.com>,
date Fri, Apr 11, 2008 at 5:46 PM
subject Comcast letter
mailed-by hotmail.com

hide details 5:46 pm (2 days ago)

Reply

To whom it may concern,

I'm a customer of comcast for many years. I'm disabled and need good prices for internet, cable and telephone. I was so happy to add digital voice to my service to have all three from comcast. I soon regretted that decision. I had NO telephone service for four days. I had that problem twice. I am confined to a wheel chair and can't go without a telephone service. I would not recommend digital voice to anybody.

Henry Lacostic